

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

MARY A. DIGGS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 6:17-cv-00026
)	
WAL-MART STORES EAST, LP,)	
and)	
WAL-MART STORES, INC.,)	
doing business as Wal-Mart)	
Supercenter #2565)	
197 Madison Heights Square)	
Madison Heights, Virginia 24572)	
a/k/a Wal-Mart, a/k/a Wal-Mart Store)	
a/k/a Wal-Mart Supercenter,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

The defendants, Wal-Mart Stores East, LP, and Wal-Mart Stores, Inc. (collectively referred to herein as "Wal-Mart"), by counsel, move this Court for the entry of summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for the reasons set forth in their accompanying Memorandum. The undisputed facts in the record show that the plaintiff is unable to prove a *prima facie* case of negligence against Wal-Mart. Additionally, the evidence is clear that the plaintiff is guilty of contributory negligence as a matter of law for failing to exercise ordinary care for her own safety.

WHEREFORE, Wal-Mart, by counsel, respectfully requests that this Court enter summary judgment in its favor and dismiss this action with prejudice. Wal-Mart requests such further and additional relief as the Court deems just and proper.

WAL-MART STORES EAST, LP,
and WAL-MART STORES, INC.

By: /s/ Victor S. Skaff, III
Of Counsel

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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of January, 2018, a copy of Defendants' Motion for Summary Judgment was filed with the Clerk of Court using the CM/ECF system which will electronically notify the following, to wit:

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